



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,414	03/12/2004	Carline Smith	090-003	7051

7590 04/18/2007
Ward & Olivo
Suite 300
382 Springfield Avenue
Summit, NJ 07901

EXAMINER

VETTER, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/800,414	Applicant(s) SMITH, CARLINE	
	Examiner Daniel P. Vetter	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Art Unit: 3628

DETAILED ACTION

Claims 1-11 are pending in this application.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugliese, et al., U.S. Pat. Pub. No. 2001/0016825 (Reference A of the attached PTO-892).

4. As per claim 1, Pugliese, et al. teaches a method of providing automated reservations comprising the steps of: authenticating a user utilizing one or more forms of identification data to access an awards account (§ 0074); acquiring itinerary data from

Art Unit: 3628

said user (§ 0067); querying an itinerary database with said itinerary data (§§ 0040, 0081); providing to said user a plurality of itineraries (§ 0040); allowing a user to select an itinerary from said plurality of itineraries (§ 0040); querying an awards database to determine if said user has sufficient awards in said awards account (§ 0074); and acquiring payment information from said user for said selected itinerary (§ 0040).

Pugliese, et al. does not explicitly teach that the querying is for said selected itinerary.

However this difference is only found in a statement of intended use of the querying step. A statement of intended use is only given patentable weight to the extent that it imparts structural differences to the invention from the prior art. Because the teachings of Pugliese, et al. are capable of performing the intended use of the querying step, it meets the limitations of the claim.

5. As per claim 2, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches confirming said selected itinerary (§ 0068).

6. As per claim 3, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches placing said selected itinerary on hold (§ 0067); and providing said user a reference number indicative of said itinerary (Abstract).

7. As per claim 4, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches said user interacts with said automated reservations system utilizing vocal responses (§ 0040, teaches use of a telephone).

Art Unit: 3628

8. As per claim 5, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches assigning seats to said user for said selected itinerary (§ 0051).

9. As per claim 7, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches said itinerary data includes one or more of the group consisting of a departure date, an arrival date, a departure time, an arrival time, departure location, arrival destination, number of passengers, class of service, and seating preference (§ 0067).

10. As per claim 8, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches said identification data is biometric data (§ 0068).

11. As per claim 10, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches wherein said identification data is at least one of the group consisting of a user's name, a personal identification number, a social security number, a telephone number, a birth date, and a frequent flyer number (§ 0044).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3628

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al., in view of Trader, et al., U.S. Pat. No. 5,854,837 (Reference B of the attached PTO-892).

14. As per claim 6, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. further teaches that the user speaks to an operator (§ 0040) but does not explicitly teach that the user is transferred to the operator upon request. Trader, et al. teaches the user is transferred to the operator upon request (column 1, line 23). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the user is transferred to the operator upon request into the method taught by Pugliese, et al. in order to give the user additional help or information (as taught by Trader, et al.; column 1, line 24).

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al., in view of Nemirofsky, et al., U.S. Pat. Pub. No. 2004/0107136 (Reference C of the attached PTO-892).

16. As per claim 9, Pugliese, et al. teaches the method of claim 8 as described above. Pugliese, et al. does not teach that the identification data is voice data. Teaches that the identification data is voice data (§ 0037). It would have been prima

Art Unit: 3628

facie obvious to one having ordinary skill in the art at the time of invention to incorporate that the identification data is voice data into the method taught by Pugliese, et al. in order to use a voice recognition unit for access (as taught by Nemirofsky, et al.; ¶ 0037).

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese, et al., in view of Lambert, et al., U.S. Pat. No. 6,282,649 (Reference D of the attached PTO-892).

18. As per claim 11, Pugliese, et al. teaches the method of claim 1 as described above. Pugliese, et al. does not teach said awards database is a look-up table. Lambert, et al. teaches said awards database is a look-up table (column 1, line 58). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate said awards database is a look-up table into the method taught by Pugliese, et al. in order to identify a user and his/her access authority (as taught by Lambert, et al.; column 1, lines 58-60).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rouston, et al., U.S. Pat. Pub. No. 2001/0037243 (Reference E of the attached PTO-892) teaches a system and method for redeeming frequent flyer miles for use in connection with business travel over a computer network. DeLorme, et

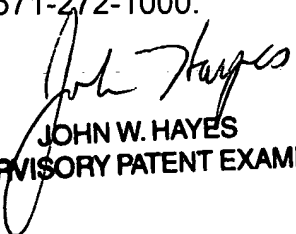
Art Unit: 3628

al., U.S. Pat. No. 5,948,040 (Reference F of the attached PTO-892) teaches a computerized travel reservation information and planning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER